

Attorney Docket No.: 102289-100
U.S. Serial No. 10/722,928
Page 2 of 4

RECEIVED
CENTRAL FAX CENTER

REMARKS

NOV 01 2007

Restriction Requirement

In the Restriction Requirement mailed October 1, 2007, the Examiner requested the Applicant select one group of claims from the following list for further prosecution:

Group I, claims 1-16, drawn to a process for incorporating a metal salt, classified in class 264, subclass 464; and

Group II, claims 17-32, drawn to a metal-containing plastic structure, classified in class 514, subclass 188.

Applicant herein elects, with traverse, the claims of **Group I, claims 1-16**.

The claims of Group I relate to a process for incorporating a metal salt of an antimicrobial onto an outer surface of, or into a porous inner portion of, an extruded or molded plastic product by, *inter alia*, contacting a metal-containing extruded or molded plastic product with an aqueous solution of a water-soluble biocide to cause the water soluble biocide to react or chelate with at least a portion of the metal on an outer surface or in a porous inner portion of the extruded or molded plastic product to form a plastic product having a water-insoluble metal salt of a biocide on the surface, and/or in the porous inner portion, thereof. The claims of Group II relate to an antimicrobially protected, metal-containing plastic structure produced by reacting or chelating at least a portion of the metal with a water-soluble biocide to form a water-insoluble metal salt of biocide on an outer surface of the article or into a porous interior portion of the article.

An examination of the claims of either group will require a search for reacting or chelating at least a portion of a metal with a water-soluble biocide to form a water-insoluble

Attorney Docket No.: 102289-100
U.S. Serial No. 10/722,928
Page 3 of 4

metal salt of biocide. Accordingly, the searches required for the two groups of claims are sufficiently interrelated that the Examiner would not be unduly burdened to consider all groups at the same time.

MPEP Section 803 states that if a search and examination of all the claims of the entire application can be made without serious burden, the Examiner is encouraged to examine it on the merits, even though it includes claims to distinct or independent inventions. In the present situation, no serious burden upon the Examiner is seen by examining all of the claims of the present application.

It is respectfully solicited that the Examiner remove the Restriction Requirement and examine all claims on their merits. However, if the Restriction Requirement is repeated and made Final, Applicant reaffirms the election of the claims of **Group I, claims 1-16**.

Species Election

If the claims of Group I are elected, the Applicant is required to elect an exact choice for each of the following species:

Species IA, a metal (representative examples in claims 4 and 5);

Species IB, a plastic-forming composition (representative examples in claims 13 and 14);

Species IC, a biocide (representative examples in claims 2 and 3);

Species ID, the presence or absence of cellulosic filler (see claim 15); and

Species IE, the presence or absence of reinforcing fibers (see claim 16).

Applicants herein elect, with traverse, zinc stearate as the metal (Species IA); polyethylene as the plastic-forming composition (Species IB); sodium pyrithione as the biocide (Species IC); the absence of cellulosic filler (Species ID); and the absence of reinforcing fibers

11/01/2007 16:07 FAX

RECEIVED
CENTRAL FAX CENTER

008/008

NOV 01 2007

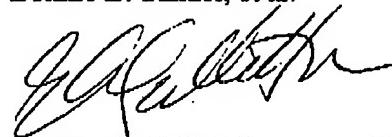
Attorney Docket No.: 102289-100
U.S. Serial No. 10/722,928
Page 4 of 4

(Species IE). Applicants submit claims 1-6 and 8-14 of Group I and claims 17-22 and 24-29 of Group II encompass the elected species.

If the Examiner has any questions or believes that a discussion with Applicants' attorney would expedite prosecution, the Examiner is invited and encouraged to contact the undersigned at the telephone number below.

Please apply any credits or charge any deficiencies to our Deposit Account No. 23-1665.

Respectfully submitted,
Bonnie B. Sandel, et al.


Elizabeth A. Galletta
Reg. No. 52,941

Date: November 1, 2007

CONTACT INFORMATION:
WIGGIN & DANA LLP
One Century Tower
New Haven, CT 06508-1832
Telephone: (203) 498-4345
Facsimile: (203) 782-2889
Email: egalletta@wiggin.com

\12800\601\677219.1